



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL WORK SESSION
June 09, 2021 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

SPECIAL NOTICE: BY NEW PROCLAMATION OF THE MAYOR, DUE TO SIGNIFICANT PROGRESS IN THE BATTLE AGAINST THE COVID-19 PANDEMIC, THE MAYOR AND COUNCIL WILL RESUME IN-PERSON PUBLIC MEETINGS, BUT WILL CONTINUE TO OFFER A REMOTE ACCESS FORMAT. MEMBERS OF THE PUBLIC MAY COME TO TOWN HALL TO ATTEND THESE MEETINGS OR THEY MAY ATTEND BY GOING TO [OR CALLING TO]: <https://www.facebook.com/HuachucaCityAZ> or 520-844-2096. IN ADDITION, THE MAYOR HAS RESUMED IN-PERSON CALLS TO THE PUBLIC AT THESE MEETINGS. HOWEVER, MEMBERS OF THE PUBLIC MAY STILL CHOOSE TO SUBMIT WRITTEN COMMENTS TO THE TOWN CLERK TWENTY-FOUR HOURS IN ADVANCE OF THESE MEETINGS.

ADVANCE NOTICE OF ALL MEETINGS CAN BE FOUND AT THE TOWN'S USUAL AGENDA POSTING LOCATIONS, INCLUDING THE TOWN'S WEBSITE <https://huachucacityaz.gov/>

AGENDA

A. Call to Order – Mayor 6:00 pm

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum

Roll Call.

Present: Johann Wallace, Keith Settlemyer, Cynthia Butterworth, Christy Hirshberg, Debbie Trate, Jean Smelt, Suzanne Harvey (Not voting), Thomas Benavidez, Attorney (Not voting).

Absent: Brandye Thorpe (Not Voting)

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. New Business Before Council - Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

Discussion on Developing the Budget for the Upcoming Fiscal Year [Manager Harvey] – The Council will work on establishing a tentative budget for the fiscal year 2022. All town revenues and expenses may be discussed, along with budget priorities, budget adoption timeline and process, anticipated taxes and fees, capital improvements, and personnel and equipment costs in all town departments.

Motion: Item C.1, **Action:** Open for Discussion Only, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

All parts of the budget are discussed. The enterprise funds are all approved as presented. The general fund expenses are too high compared to revenue and budgets will need to be reduced. This will be further reviewed at another work session on Wednesday, June 23rd.

D. Adjournment

Motion: 6:57 pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on June 24, 2021.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on June 09, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk



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AGENDA

A. Call to Order – Mayor 6:01pm

a. Pledge of Allegiance

Led by Mayor Wallace.

b. Roll Call and Ascertain Quorum

Roll Call.

Present: Johann Wallace, Donna Johnson, Keith Settlemyer, Cynthia Butterworth, Christy Hirshberg, Jean Smelt, Suzanne Harvey (Not voting), Thomas Benavidez, Attorney (Not voting).

Absent: Debbie Trate, Brandye Thorpe.

c. Invocation

Led by Elder Thomas.

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endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

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Mayor Wallace recognizes Gary Soliere of Huachuca City.

Mr. Soliere advises that A.R.S. 28-3623 advises that any 3 wheel axle tractor can not fuel at Circle K, but since they are saving money, they are doing so anyway. This is against the law, and they could be fined for that. That fine money could be used to help the Town. Also, there should be a sign at each end of Town prohibiting engine breaks. Mayor Wallace directs staff to look into each issue.

Mayor Wallace recognizes Robert Maloney.

Mr. Maloney is attending to speak for Mr. Ellis Navola and DR Mc.Millan who own properties near Patton. He reads a statement from Mr. Mc. Millan in favor of the re-zoning for Hayhook LLC.

C. Consent Agenda - Mayor

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

C.1 Consider approval of the minutes of the Regular Council meeting, including the executive session, held on May 20, 2021.

C.2 Consider approval of the Payment Approval Report.

Motion: Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion: Items listed on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

D. Unfinished Business before the Council – Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E. New Business Before Council - Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E.1 Discussion and/or Action [Mayor Wallace]: RESOLUTION NO. 2021-09 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AUTHORIZING THE TOWN TO EXTEND THE INTERGOVERNMENTAL AGREEMENT WITH THE WHETSTONE FIRE DISTRICT FOR FIRE AND EMERGENCY MEDICAL SERVICES.

Motion: Item E.1, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Mayor Wallace advises that we are not in a position with Whetstone Fire yet to approve a new contract, this is another extension to give us time to finish up working on that new contract. Councilmember Butterworth asks if Whetsone Fire is in agreement with this. Manager Harvey advises it was their suggestion.

Motion: Item E.1, Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

E.2 Discussion and/or Action [Chief Thies]: Administration of the Oath of Office to Animal Control Officer Gerald Hursh.

Motion: Item E.2, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Chief Thies gives the Oath of Office to Animal Control Officer Gerald Hursh.

E.3 Discussion and/or Action [Suzanne Harvey]: Manager Harvey will ask for Council's decision on paint colors for Town buildings, or direction to provide more color choices.

Motion: Item E.3, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Manager Harvey asks that a decision be made regarding the paint colors that have been on the wall for some time now. Not all Councilmembers have provided feedback at this time. Mayor Wallace directs all Councilmembers to provide their color choices to Manager Harvey and Brandye by 5pm Friday.

E.4 Discussion and/or Action [Mayor Wallace]: First reading of ORDINANCE NO. 2021-01 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, CHANGING THE ZONING OF 143.55 ACRES OF PROPERTY OWNED BY HAYHOOK, L.L.C., AND GENERALLY SITUATED AT THE WEST END OF PATTON STREET (TAX PARCELS #106-52-005C & 106-52-001B), WEST OF STATE ROUTE 90, SOUTH OF MUSTANG ROAD, FROM "R-1" ("RESIDENTIAL DISTRICT") TO "C-3" ("HEAVY INDUSTRIAL AND MINING").

Motion: Item E.4, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Dr. Jim Johnson states he has no objection to the re-zoning.

E.5 Discussion and/or Action [Mayor Wallace]: Direct the Police Department to pursue accreditation through the Arizona Law Enforcement Accreditation Program via the Arizona Municipal Risk Retention Pool Member Benefits.

Motion: Item E.5, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Mayor Wallace advises that through this program, we are able to have an independent agency through the Arizona Municipal Risk Retention Pool, at an extremely reduced cost, for our Police Department's policies, procedures and processes to be reviewed and validated. Confirmed as good or confirmed as bad so it can be fixed. The good news is that they provide assistance and support in fixing anything that needs it. There is also a membership for Chief Thies to join other Chiefs of Police from the State of Arizona, which opens up for Chief Thies to start collaborating with other Chiefs. Also, for the officers, they have partnered with the American Military Diversity, for reduced rates for officers to pursue further education. Mayor Wallace asks for Manager Harvey to confirm the cost.

Manager Harvey advises it is \$300.00 for Chief to join and \$250.00 for the accreditation the first year and if we want to stay accredited then it's \$175.00/year after that.

Motion: pursue accreditation through the Arizona Law Enforcement Accreditation Program via the Arizona Municipal Risk Retention Pool Member Benefits., Action: Direct Police Department, Moved by Johann Wallace, Seconded by Jean Smelt.

Motion passed unanimously.

E.6 Discussion and/or Action [Suzanne Harvey]: Manager Harvey will ask for Council's authorization to serve as the Town's Authorized Representative to make the required

certifications and agreements to apply to receive the Town's allotment of the American Rescue Plan (ARP) Act funds. Pursuant to the ARP Act's Terms and Conditions, the funds must be used to mitigate the negative economic impacts of COVID-19 and comply with the requirements of the ARP from 5/20/2021 through 12/31/2024.

Motion: Item E.6, **Action:** Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Manager Harvey advises this is an entitlement from the Federal Government that will be funneled through the State. Because it's being funneled through the state, there is some paperwork that has to be filed with the state. I am asking for your authorization to take care of all of that paperwork, so that I don't have to come back to council for every paper that we need. Our allotment is \$579,789.00. We will get that in two equal payments exactly one year apart. There are a lot of strings attached to these funds, so we will have a work session and staff will bring you suggestions on projects that will meet the parameters set forth by the Federal Government.

Motion: Manager Harvey to serve as the Town's Authorized Representative to make the required certifications and agreements to apply to receive the Town's allotment of the American Rescue Plan Act Funds. , **Action:** Authorize, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

F. Department Director Reports

Jim Halterman advises the 2020 Consumer Council report was accepted by ADEQ. There are changes that need to be made to how it is posted.

Dr. Jim Johnson advises of 2 TAC meetings attended by himself and Jim Halterman.

Stephanie Fulton advises that the mask mandate was lifted by the Tombstone School District, and that applies to children attending Summer Splash.

Matthew Doty advises the piece of broken equipment will be gone for at least another month due to some shipping delays on required parts. He is hopeful that we may be able to rent one in the meantime from Safford, that is in the works.

Kristy Ramirez advises she has completed her 30 days and is working on fixing policies and procedures.

Suzanne Harvey advises Michael Kline has been given a conditional offer of employment for Director of SEACOM.

G. Items to be placed on future agendas

H. Reports of Current Events by Council

Councilmember Smelt has been attempting to gather donations for the 4th of July Celebration. She also went to the SEAGO meeting in Safford. PTAC meeting is scheduled for Tuesday.

Councilmember Butterworth advises she went to the SVMPO meeting in the Mayor's stead.

She advises people to go to their website to see what they are doing: <https://www.svmipo.org>

She also attended the Mission Quest meeting in Benson. They are currently housing foreign national minors from 13-16 years old. They are vaccinated and housed for 2-3 weeks before being sent to sponsors.

Mayor Wallace advises that SVMPO is a means to distribute funds that we would not usually be able to get. They are doing many projects to assist the Town, including the emergency signal

light and a roadway assessment. We are the gateway into Sierra Vista from the freeway and hopefully others agree that making improvements to Huachuca City is important. Councilmember Hirshberg asks when the opening to fill the vacant Council seat closes. Manager Harvey advises there is no firm date, it can be closed any time Council decides. There is currently one applicant.

I. Adjournment

Motion: 6:36pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on June 24, 2021.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on June 10, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk



Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

RESOLUTION NO. 2021-10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, ADOPTING A PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM ["PSPRS"] FUNDING POLICY.

WHEREAS, HB2097, adopted in the 2018 Arizona Legislative Session, requires all governing bodies of entities participating in the PSPRS to establish a Pension Funding Policy and post that policy on the jurisdictions' websites; and

WHEREAS, the Town Manager has developed an updated policy, attached hereto as Exhibit A, and incorporated herein by this reference; and

WHEREAS, the Town Council has reviewed the proposed policy, and finds that adopting it is in the best interests of the Town, its residents and public safety employees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Huachuca City, Arizona, that the policy attached hereto as Exhibit A is hereby approved.

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to implement the policy forthwith.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 24th DAY OF JUNE, 2021.

ATTEST:

Johann Wallace, Mayor

Approved as to Form:

Brandye Thorpe, Town Clerk

Thomas Benavidez, Town Attorney

[Exhibit A]

[PSPRS Funding Policy Must Be Attached]

Town of Huachuca City

Public Safety Personnel Retirement System

Pension Funding Policy

The intent of this policy is to clearly communicate the Council's pension funding objectives and its commitment to our employees and the sound financial management of the Town and to comply with new statutory requirements of Laws 2018, Chapter 112.

Several terms are used throughout this policy:

Unfunded Actuarial Accrued Liability (UAAL) – Is the difference between trust assets and the estimated future cost of pensions earned by employees. This UAAL results from actual results (interest earnings, member mortality, disability rates, etc.) being different from the assumptions used in previous actuarial valuations.

Annual Required Contribution (ARC) – Is the annual amount required to pay into the pension funds, as determined through annual actuarial valuations. It is comprised of two primary components: normal pension cost – which is the estimated cost of pension benefits earned by employees in the current year; and, amortization of UAAL – which is the cost needed to cover the unfunded portion of pensions earned by employees in previous years. The UAAL is collected over a period of time referred to as the amortization period. The ARC is a percentage of the current payroll.

Funded Ratio – Is a ratio of fund assets to actuarial accrued liability. The higher the ratio the better funded the pension is with 100% being fully funded.

Intergenerational equity – Ensures that no generation is burdened by substantially more or less pension costs than past or future generations.

The Town's police employees who are regularly assigned hazardous duty participate in the Public Safety Personnel Retirement System (PSPRS).

Public Safety Personnel Retirement System (PSPRS)

PSPRS is administered as an agent multiple-employer pension plan. An agent multiple-employer plan has two main functions: 1) to comingle assets of all plans under its administration, thus achieving economy of scale for more cost efficient investments, and invest those assets for the benefit of all members under its administration and 2) serve as the statewide uniform administrator for the distribution of benefits.

Under an agent multiple-employer plan each agency participating in the plan has an individual trust fund reflecting that agencies' assets and liabilities. Under this plan all contributions are deposited to and distributions are made from that fund's assets, each fund

has its own funded ratio and contribution rate, and each fund has a unique annual actuarial valuation. The Town of Huachuca City has one trust fund for police employees.

Council formally accepts the assets, liabilities, and current funding ratio of the Town's PSPRS trust funds from the June 30, 2020 actuarial valuation, which are detailed below.

Trust Fund	Assets	Accrued Liability	Unfunded Actuarial Accrued Liability	Funded Ratio
Huachuca City Police	1,011,946	1,499,222	409,673	103%
Huachuca City Fire				
Town of Huachuca City Totals	1,011,946	1,499,222	409,673	103%

PSPRS Funding Goal

Pensions that are less than fully funded place the cost of service provided in earlier periods (amortization of UAAL) on the current taxpayers. Fully funded pension plans are the best way to achieve taxpayer and member intergenerational equity. Most funds in PSPRS are significantly underfunded and falling well short of the goal of intergenerational equity.

The Council's PSPRS funding ratio goal is 100% (fully funded) by June 30, 2036.

Council established this goal for the following reasons:

- The PSPRS trust funds represent only the Town of Huachuca City's liability
- The fluctuating cost of an UAAL causes strain on the Town's budget, affecting our ability to provide services
- A fully funded pension is the best way to achieve taxpayer and member intergenerational equity

Council has taken the following actions to achieve this goal:

- Maintain ARC payment from operating revenues – Council is committed to maintaining the full ARC payment (normal cost and UAAL amortization) from operating funds.
- Additional payments above the ARC
 - Annually evaluate prior year budget compared to actual expenditures may permit excess payments.

Based on these actions the Council plans to achieve its goal of 100% funding by June 30, 2036, in accordance with the amortization timeline set forth by the PSPRS June 30, 2020 Actuarial Valuation.



Sierra Vista Metropolitan Planning Organization Memorandum

To: Mayor Johann Wallace, Town of Huachuca City Council, Town Manager Harvey
From: Karen L. Lamberton, AICP, SVMPO Administrator
Date: June 24, 2021
Subject: Town of Huachuca City Roadway Inventory and Assessment

The Town of Huachuca City, in coordination with your regional government agency, the Sierra Vista Metropolitan Planning Organization (SVMPO) have undertaken an Inventory and Assessment of the greater Huachuca City area's roadways and streets. Funding for this study is provided by the Federal Highway Administration, Federal Transit Administration, Arizona Dept. of Transportation and by local member match amounts.

This study was approved in the SVMPO Work Program on July 30, 2020; a Cost Proposal was released, and firms interviewed the Winter of 2020. A Notice to Proceed to the selected consultant team, Rick Engineering, was issued on January 6, 2021.

The SVMPO Administrator, Karen Lamberton, AICP, will brief Town Council on this study at their regular Council members on June 24th. Town Council members will have an opportunity to ask questions about the project goals and work in progress.

The Huachuca City Roadway Inventory and Assessment (hereafter HC Roadway Study) is about 55% completed at this time. A public information and education outreach brochure is planned to go out to the study area residents and businesses as an insert into the Town's utility mailings this month. Several options for asking questions or offering comments will be made available to area residents, including directing residents to an on-line comment form on the SVMPO website.

This project was undertaken to achieve several specific regional and Town goals:

- To collect and update data layers about the Town's roads and streets. The use of new technology tools to map these roadways and assess pavement conditions are included in this study effort.
- To update traffic counts for all of the Town's collector and local access roadways for the regional Travel Demand Model (which is used to study future travel conditions in the region and identify the highest priority roadways that need improvements made).

- To identify needed roadway improvements in the County enclave area for future and potential Town annexation activities.
- To identify the highest priority projects within the Town that might be eligible for regional or grant funding for potential improvements.
- To fully scope out one project to submit for the next round of regional Transportation Improvement Program funding. Preliminary cost estimates will be developed, and the Town's potential share of project match funds identified.
- To complete the Town's adopted General Plan element that called for a Major Streets and Scenic Route Plan to be developed.

Town Council schedule for future updates and interaction with the consultant study team and the Town and SVMPO staff on this project include:

- Town Council Work Session *tentatively* scheduled for Wednesday, August 11th from 6 p.m. to 7:30 p.m.
- Town Council briefing on HC Roadway Study results and recommendations at regular Town Council meeting on September 6th.
- Town Council *tentative* Work Session on Wednesday, Sept 15th from 6 p.m. to 7:30 p.m. on HC roadway Study recommendations.
- Town Council items identified in prior Council and Work Sessions to be brought forward at the Sept. 23rd regular Town Council meeting for action or direction to Town staff.

The HC Roadway Study recommendations are a tool for the Town to implement as resources become available: **acceptance of the HC Roadway Study results and recommendations indicates concurrence but does not create a mandate to implement all recommended activities or policy strategies.**

The HC Roadway Study is on schedule to be presented to Town Council for acceptance in Fall of 2021; and as an informational item to the SVMPO Board in October 2021.

Attachments: HC Roadway Study Schedule, HC Roadway Study Area Map, HC Roadway Study Handout

Action Requested: Concurrence and Scheduling Town Council Work Session Date of August 11th.

Do you have any ideas to share?

You can make comments on-line at www.svmmpo.org
Contact Us form.

The SVMPO will let the Study Team and the Town know what your thoughts and concerns are about the Town's roadways.

You can also talk with your Mayor, Councilmembers, or Town staff; or mail your comments to your Town Hall located at 500 North Gonzales Boulevard, Huachuca City, AZ 85616

The Town Council will be presented with the full study information in the Fall of 2021.

This Inventory and Assessment is valuable information that will help Town Council and Town Staff prioritize needs, apply for grants, and qualify for regional studies or a regional construction project.

ROADWAY INVENTORY & ASSESSMENT STUDY

WORK COMPLETED

Town Staff and the Study Team have located all available Town records on the roadway system. Traffic count information was very old so many new traffic counts were recorded for roadways in and around the Town in early in 2021. Pavement conditions, drainage and safety issues, and other factors were researched and assessed on Town's roads.

WORK IN PROGRESS

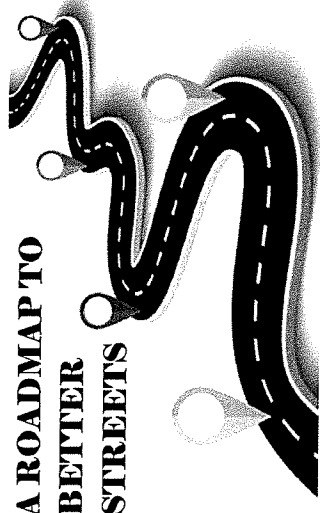
Current study tasks underway are considering issues and solutions for specific streets and neighborhoods. Recommendations will be made to: address locations where additional street right of way may be needed, consider design standards for Town streets, and develop a transportation plan to provide a road map for long-term street system improvements.

WORK TO COMPLETE THIS STUDY

The Town Council and the Study Team will complete a Transportation Plan that includes a Major Streets and Scenic Route Plan as called for in the Town's adopted General Plan.

📍 The final Roadway Reports and Maps are scheduled for Winter 2021.

A ROADMAP TO BETTER STREETS



The Town of Huachuca City Roadway Inventory and Assessment Study

The Town is working with the Sierra Vista MPO and the consulting team, Rick Engineering and Kimley-Horn, to study the Town's roads and streets.

This study and its reports will help the Town learn what the most needed improvements are for all of the streets and roadways so that **you** can safely travel throughout your Town and to other locations you need and want to go.

📍 DID YOU KNOW...

14.7 miles of public streets in your Town

2.2 miles of state highway 90 within your Town limits

2.7 area of your Town in square miles

1,736 population estimate for 2019

4.275 approximate average elevation of

TRAFFIC VOLUMES

Traffic counts were conducted earlier this year. The ten busiest streets (besides the highway) are:

Note: 'vpd' means the average number of vehicles on each section of street per day.

- 864** vpd – Yuma Street, Highway 90 to Gonzales Boulevard
- 839** vpd – Skyline Drive, Highway 90 to Gonzales Boulevard
- 393** vpd – Skyline Drive, Gonzales Boulevard to Gila Avenue
- 384** vpd – Skyline Drive, Gila Avenue to the Landfill Entrance Corner
- 384** vpd – Clark Street, Highway 90 to 1st Street
- 360** vpd – Gonzales Boulevard, North of Skyline Drive
- 353** vpd – McCray Street, Highway 90 to Howard Street
- 281** vpd – Skyline Drive, North of the Landfill
- 274** vpd – Cochise Avenue, South of Yuma Street
- 273** vpd – McCray Street, East of Howard Street

All the Town streets are built wide enough for the number of vehicles driving on them each day.

TRAFFIC SPEEDS IN TOWN

Average vehicle travel speeds in Town ranged between 11 miles per hour on 1st Street to 24 miles per hour on McCray Street.

This is great news! Most residents drive at or below the posted speed limits within the Town itself!



PAVEMENT CONDITIONS

The Town used RoadBotics™ technology to collect street pavement condition information, provide roadway photograph documentation, and to rate the streets on a 1 to 5 scale. This scale is 1 as in excellent condition and 5 representing pavement in critical or failing condition. Overall, the Town streets were

rated, on average, at a 3.76 which indicates that most streets show signs of extensive cracking, surface distress, or may need additional pavement patching or repair.

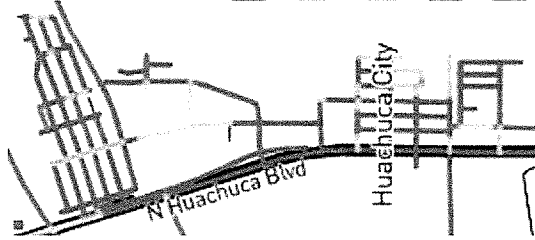
Unsurfaced roads were also inventoried and rated with most being in fair to poor condition.

3.76

Network RB Score

PAVEMENT CONDITION RATINGS

Rating 1	No or minor surface distress
Rating 2	Minor surface damage, no critical issues
Rating 3	Appearance of pavement distresses
Rating 4	Significant damage or emerging critical failures
Rating 5	Major surface damage and/or critical fatigue issues



Most of the Town's streets show the effects of aging roads that are weathering over time. Additional preventive maintenance funds may be needed.

REHABILITATION STRATEGIES

- crack filling and sealing
- chip seals
- slurry seals
- asphalt overlays
- full reconstruction

DRAINAGE



There were 22 locations involving a drainage issue reported by Town staff. Specific drainage issues can be addressed when streets are improved, and funding is available.

The Babocomari River is in the 100-year floodplain and encroaches into the Huachuca Vista Annex, Babocomari Vista and Babocomari Vista #2 subdivisions. This causes some streets to be difficult to drive during storm events.

VEHICLE CRASHES

Twelve crashes occurred in Town from 2015 through 2019. Most of the crashes occurred on or adjacent to Highway 90. Speeding was the #1 cause of crashes on the highway and at intersections into Town neighborhoods.



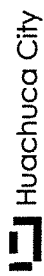
Three crashes involved a single vehicle, such as when a vehicle runs off the edge of the road.

Identified areas of conflict between vehicles, pedestrians, and/or bicyclists could be considered and addressed when road improvements are made.

JUST DRIVE – STAY ALIVE!

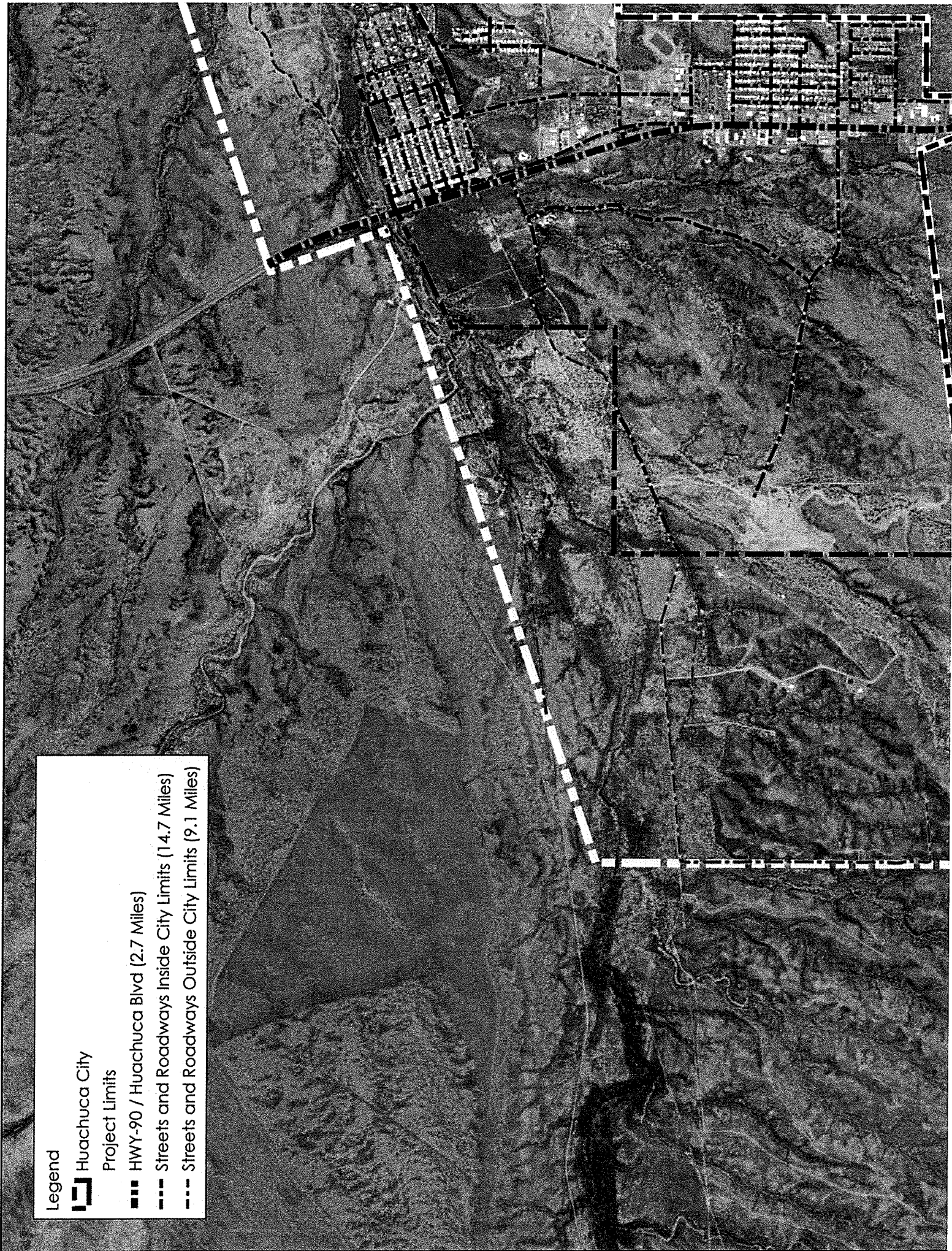
SVMPO ROADWAY INVENTORY & ASSESSMENT FOR THE TOWN OF HUACHUCA CITY AREA												
TASK NO.	TASK DESCRIPTION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP		
A	ROAD SYSTEM INVENTORY & ASSESSMENT											
	DATA COLLECTION; ROADBOTICS INVENTORY & ASSESSMENT; TRAFFIC COUNTS; ROW MAP; FLOODPLAIN MAP; CRASH ANALYSIS; PAVEMENT RATINGS											
B	ROADWAY ASSESSMENT											
	ASSESSMENT OF SCHOOL DR; GILA AVE; SKYLINE DR; SKYLINE DR TO LANDFILL; GILA AVE N OF SKYLINE; SEMINOLE WINDS STREETS; BABOCOMARI VISTA 1 & 2 STREETS; E HUNT RD; HUACHUCA VISTA & ANNEX STREETS; PATTON RD; & OTHER STUDY AREA PUBLIC ROADS											
C	ROADWAY DESIGN STANDARDS											
	REVIEW EXISTING & COCHISE COUNTY STANDARDS; PREPARE ADDITIONAL STANDARDS (2); ADAPT STANDARDS FOR TOWN; ALLEYWAY RECOMMENDATIONS; RESOLVE APACHE STREET ACCESS ISSUE											
D	CONCEPTUAL RECOMMENDATIONS											
	ANNEXATION AREA STEPS; ROW NEEDS; PHASED IMPROVEMENTS GUIDE; COUNTY SUBDIVISION IMPROVEMENTS; INTERSECTION IMPROVEMENTS; MULTIMODAL OPTIONS; SR90 CORRIDOR STUDY SCOPE; PRIORITIZED STREET PROJECT; MAJOR STREETS & SCENIC ROUTE PLAN											
E	PROJECT OUTREACH & MANAGEMENT											
	SOLICIT INPUT; MANAGE EXPECTATIONS; OUTREACH MATERIALS; TOWN WORK SESSIONS; TOWN COUNCIL MEETING; STUDY COORDINATION, STUDY MANAGEMENT & QUALITY CONTROL REVIEWS											
	UTILITY MAILING INSERTS											
	KICK-OFF MEETING, MONTHLY SVMPO/TOWN REVIEWS, STAKEHOLDER MEETINGS; DRIVE-THRU PUBLIC MEETING, TOWN COUNCIL WORK SESSIONS; TOWN COUNCIL & SVMPO BOARD PRESENTATIONS (MEETINGS TO BE COMBINED WHEN NEEDED & TIMING CAN BE ADJUSTED)											

Legend



Project Limits

- HWY-90 / Huachuca Blvd (2.7 Miles)
- Streets and Roadways Inside City Limits (14.7 Miles)
- Streets and Roadways Outside City Limits (9.1 Miles)





Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, CHANGING THE ZONING OF 143.55 ACRES OF PROPERTY OWNED BY HAYHOOK, L.L.C., AND GENERALLY SITUATED AT THE WEST END OF PATTON STREET (TAX PARCELS #106-52-005C & 106-52-001B), WEST OF STATE ROUTE 90, SOUTH OF MUSTANG ROAD, FROM “R-1” (“RESIDENTIAL DISTRICT”) TO “C-3” (“HEAVY INDUSTRIAL AND MINING”).

WHEREAS, pursuant to A.R.S. 9-462.01 (A), the Town is empowered to adopt and amend zoning regulations; and

WHEREAS, Hayhook, L.L.C., is the owner of approximately 143.55 acres of land generally situated at the west end of Patton Street (tax parcels #106-52-005C & 106-52-001B), west of State Route 90, south of Mustang Road; and

WHEREAS, the owner has applied to the Town to change the zoning of the property from “R-1” (“Residential District”) to “C-3” (“Heavy Industrial and Mining”); and

WHEREAS, the rezoning is requested in order to permit development of the property for a sand and gravel mining operation; and

WHEREAS, the rezoning and development of the property would be in conformance with the Huachuca City General Plan; and

WHEREAS, the Zoning Administrator held a public hearing on the rezoning request on May 21, 2021, and, following this public hearing, recommend that the Town Council approve the request for rezoning of the property; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on June 10, 2021, and at a subsequent meeting on June 24, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The zoning of approximately 143.55 acres of land generally situated at the west end of Patton Street (tax parcels #106-52-005C & 106-52-001B), west of State Route 90,

south of Mustang Road, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference, is hereby changed from “R-1” (“Residential District) to “C-3” (“Heavy Industrial and Mining”).

SECTION 2. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 3. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 4. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 24TH DAY OF JUNE, 2021.

Johann Wallace, Mayor

ATTEST:

Brandye Thorpe, Town Clerk

Approved as to Form:

Thomas Benavidez, Town Attorney

EXHIBIT A

[Property Legal Description Must Be Attached]

LEGAL DESCRIPTION

Portion of APN: 106-52-001B (including Mustang Road and lying south of Mustang Road)

That portion of Government Lots 6 and 7 lying south of the northerly ingress and egress easement line for Mustang Road as recorded in (Fee #960513697, Cochise County Recorder's Office) being located in Section 6, Township 21 South, Range 20 East, of the Gila and Salt River Meridian, Cochise County, Arizona.

Comprising an area of 50+/- acres.

and

APN: 106-52-005C

Government Lots 1, 2 and 3 of Section 7, Township 21 South, Range 20 East, of the Gila and Salt River Meridian, Cochise County, Arizona.

Comprising an area of 93.55+/- acres.



TOWN OF HUACHUCA CITY

Town Clerk Brandye Thorpe | bthorpe2@huachucacityaz.gov

Proposed Council Meeting Schedule for the Months of July thru December 2021

July 8

July 22

August 12

August 26

September 9

September 23

October 14

October 28

November 18

December 9



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RESOLUTION NO. 2021-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, DESIGNATING FINANCE CLERK KRISTY RAMIREZ AS THE CHIEF FISCAL OFFICER [“CFO”] OF THE TOWN FOR PURPOSES OF SUBMITTING THE TOWN’S ANNUAL EXPENDITURE LIMITATION REPORTS [“AELR”].

WHEREAS, Arizona Revised Statutes §41-1279.07(E) requires each municipality to annually provide to the Auditor General by July 31 the name of the CFO the council designated to submit the current year’s AELR; and

WHEREAS, there is an electronic form provided by the Auditor General on its website which must be filed, along with a resolution of the council, for the purposes of making this designation; and

WHEREAS, the Town Council finds that Finance Clerk, Kristy Ramirez, is the person best situated to submit the AELR to the Auditor General on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Huachuca City, Arizona, as follows:

- Section 1.** The Town hereby designates Finance Clerk, Kristy Ramirez, as the CFO and person best situated to submit the AELR to the Auditor General on behalf of the Town for the current fiscal year.
- Section 2.** Kristy Ramirez is hereby authorized and directed to complete and file the form located at: <https://www.azauditor.gov/cfo-designation-form> on behalf of the Town, along with a copy of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 24th DAY OF JUNE, 2021.

ATTEST:

Johann Wallace, Mayor

Approved as to Form:

Brandye Thorpe, Town Clerk

Thomas Benavidez, Town Attorney



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RESOLUTION NO. 2021-12

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, IDENTIFYING THOSE OFFICERS LEGALLY EMPOWERED TO PROVIDE INSTRUCTIONS AND SIGN DOCUMENTS ON BEHALF OF THE TOWN RELATING TO THE TOWN'S ACCOUNTS WITH WELLS FARGO BANK AND WELLS FARGO ADVISORS.

WHEREAS, the Town Council is empowered to identify those officers of the Town who are authorized to sign checks, warrants and other documents on behalf of the Town; and

WHEREAS, the Town has various accounts with Wells Fargo Bank and Wells Fargo Advisors; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town to update its list of persons authorized to provide instructions and sign documents on behalf of the Town relating to said accounts.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby identifies the following officers as those persons who are *individually* authorized to provide instructions and sign documents on behalf of the Town:

Town Manager Suzanne Harvey; or
Town Finance Clerk Kristy Ramirez; or
Mayor Johann Wallace; or
Vice Mayor Christy Hirshberg

BE IT FURTHER RESOLVED that the Town's officers are hereby authorized to sign any necessary and proper documents required by Wells Fargo Bank and Wells Fargo Advisors to effectuate this Resolution.

BE IT FURTHER RESOLVED that this Resolution supersedes all previous resolutions in conflict herewith.

PASSED AND ADOPTED by the Mayor and Common Council of the TOWN OF HUACHUCA CITY this 24th day of June, 2021.

Signatures follow

Johann Wallace, Mayor

ATTEST:

APPROVED AS TO FORM:

Brandye Thorpe, Town Clerk

Thomas Benavidez, Town Attorney

HIGHLIGHTS OF WIFA LOAN REQUIREMENTS AND PROJECT MANAGEMENT Town of Huachuca City

Wastewater Lagoon System Closure

ATTACHMENTS

(Additional copies can be downloaded from <https://www.azwifa.gov/resources/contract-packet>)

1. Contract Packet
2. AIS Sample Certification Letters
3. AIS and De Minimis Worksheet
4. Sample Wage Determination (Wage Decision Schedule)
5. Project Wage Rate Worksheet
6. Request for Authorization of Additional Classification and Rate Form (SF1444) and instructions
7. Davis-Bacon poster (WH-1321) – English and Spanish versions
8. Payroll certification Form (WH-347) and instructions
9. Employee Interview Form and instructions
10. Construction Sign Specifications
11. Sample Disbursement Request Forms

BIDDING AND CONTRACTING PROCESS

Use of licensed contractor required

State Procurement Code A.R.S. 41-2501(B)

Bidders List (40 CFR Section 33.501 (b) and (c))

- Create and maintain a bidders list of all firms that bid or quote on prime contracts, or bid or quote subcontracts
- List must include entity's name with point of contact, mailing address, telephone number, and e-mail address; the procurement on which the entity bid or quoted, and when; and entity's status as an MBE/WBE or non-MBE/WBE.
- Keep until the project is completed.

Disadvantaged Business Enterprise (DBE)

- Good Faith Effort #2 - Make information available to DBEs and arrange time frames for contracts to encourage and facilitate participation by DBEs in the competitive process. This includes, whenever possible, posting solicitation for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date (page 16 of Contract Packet).
- Completing and submitting DBE forms (see instructions on page 20 of Contract Packet).

Use of American Iron and Steel

- "Iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
- Sample certification letters
 1. Reference to the project
 2. Reference to the product

3. Where that product is made (city, state)
 4. Signature
- Track de minimis items

Davis-Bacon

- Select and download appropriate wage determination (wage decision schedule) – <https://beta.sam.gov/>
 - By county
 - Typically "Heavy" Construction Type
- Physically incorporate the appropriate Davis Bacon wage decision into the bidding and contract documents
 - Private water companies – submit selected wage determination to WIFA for approval
 - If using a contractor that already has an ongoing contract, amend/issue change order to include the Davis-Bacon wage determination (page 5 of Contract Packet)
- While the solicitation remains open, monitor <https://beta.sam.gov/> weekly to ensure that the wage determination contained in the solicitation remains current. Amend the solicitation if Department of Labor (DOL) issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation (page 5 of Contract Packet).
- If the contract is not awarded within 90 days of the closure of the solicitation, update solicitation to include any modifications DOL makes to the wage determination. Monitor <https://beta.sam.gov/> on a weekly basis if the contract is not awarded within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current (page 5 of Contract Packet).
- Force account (in-house) labor must also be Davis-Bacon compliant – WIFA project manager will review payroll and conduct interviews.
- "In whole or in part..."

BEFORE THE JOB BEGINS

- Ensure that Contract Packet and Davis-Bacon wage decision are included in all contracts.
- If there is any class of laborers or mechanics which is not listed in the wage determination and which will be employed under the contract, complete and submit a Wage Determination Request form (SF1444) to WIFA.
- Check debarred list for the status of all contractors and subcontractors for contracts expected to be equal to or over \$25,000: <https://www.sam.gov/SAM/pages/public/searchRecords/advancedPIRSearch.jsf>
- Prepare a Construction Sign in accordance with WIFA Specifications: <https://www.azwifa.gov/resources/sign-guide>

WHEN THE JOB BEGINS

- Contact your WIFA project manager when construction begins to set up first site visit.
- A Davis-Bacon Poster must be posted at every job site for the duration of the work.
- The wage determination must be posted with the poster (from <https://beta.sam.gov/> and included in contract).
- Periodically interview a sufficient number of employees to verify that contractors or subcontractors are paying the appropriate wage rates.
- Review payroll forms
 - Compare wages paid to wages on determination (payroll form included with Contract Packet)
 - Workers must be paid weekly
 - Signed payroll forms must be collected for "no work" weeks

- Davis-Bacon applies to *anyone* performing labor for the project
- Determine if any apprentice or trainee on the job is being paid as an apprentice or trainee. If so, get copy of certification and corresponding program standards. Confirm their validity and attach these to first payroll form.
- Prepare Disbursement Requests
 - Mail forms with original signatures.
 - Attach invoices/contractors applications for payment/other proof of costs.
- For scope of work changes and budget adjustments, send an e-mail or letter describing proposed changes to your WIFA project manager.

BEFORE END OF CONSTRUCTION

- Contact your WIFA project manager for final observation, before you submit for 80% of the construction budget.

BEFORE SUBMITTING FINAL DISBURSEMENTS

- Refer to Exhibit B Section 6 of the loan documents for project specific final deliverables (typically as-builts, AOC, etc.). Final disbursement will not be processed until WIFA receives these.

PROJECT COMPLETION

- EPA's expectation is that funds are fully drawn by project completion or within three years of loan closing.

SUMMARY OF DAVIS-BACON RESPONSIBILITIES

Prime Contractor

- Complete and sign payroll
- Fill out Wage Determination Request form for jobs not listed on the wage decision

Water Company Project Manager

- Review payrolls
- Conduct interviews of prime contractor and subcontractor employees as needed
- Submit worker classification and wage rate requests (as filled out by contractor) to WIFA
- Ensure wage decision and Davis-Bacon poster remains posted at job site until project completion
- Maintain copies of payroll for three years after completion of contract

**Water Infrastructure Finance Authority of Arizona
Clean Water Revolving Fund
Drinking Water Revolving Fund**

CONTRACT PACKET for Governmental Borrowers

This packet lists required contract conditions that apply to all Clean Water and Drinking Water Revolving Fund projects and contains forms that must be used in the procurement process. Please review this packet prior to bidding.

PLEASE NOTE

- **This packet, in its entirety, must be physically included in all bidding, solicitation and contract documents.**
- **Use of American Iron and Steel (AIS) applies to this project.:**
 - AIS includes the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
- **Federal Davis-Bacon prevailing wages apply to this project.**
 - Payment of the wages, fringe benefits and overtime rates is required.
 - The appropriate Federal (Davis-Bacon) Prevailing Wage Decision must be physically incorporated into the bidding and contract documents.
 - The construction category of Heavy (excluding dam construction) should typically be applied to all projects funded by WIFA. If you believe that a different category of wages, such as Building, should be applied to your project or portions of your project, please contact WIFA in advance.
 - Weekly certified payroll submittal is required under the Federal Davis-Bacon laws.
- **Compliance with the Civil Rights Act and Equal Employment Opportunity is required.**
- **Promotion of Small, Minority and Women-owned Businesses and participation in EPA's Disadvantaged Business Enterprise (DBE) Program is required.**

**Water Infrastructure Finance Authority of Arizona
Clean Water Revolving Fund
Drinking Water Revolving Fund**

Required Contract Conditions

This project is being financed in whole or in part by the Water Infrastructure Finance Authority of Arizona through the Clean Water or Drinking Water Revolving Fund. The loan recipient is required to comply with the following federal and state laws, rules and regulations and must ensure that their contractor(s) also comply(ies) with these regulations, laws and rules.

1. (i) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. Sec. 2000d), (ii) the Rehabilitation Act of 1973 (Pub. L. 93-1123, 87 Stat. 355, 29 U.S.C. Sec. 794), (iii) the Age Discrimination Act of 1975 (Pub. L. 94-135 Sec. 303, 89 Stat. 713, 728, 42 U.S.C. Sec. 6102), (iv) Section 13 of the Federal Water Pollution Control Act (Pub. L. 92-500, 33 U.S.C. Sec. 1251), and subsequent regulations, ensures access to facilities or programs regardless of race, color, national origin, sex, age or handicap.
2. Equal Employment Opportunity (Executive Order 11246, as amended by Executive Orders 11375 and 12086 and subsequent regulations). Prohibits employment discrimination on the basis of race, color, religion, sex or national origin. Inclusion of the seven clauses in Section 202 of Executive Order 11246 as amended by Executive Orders 11375 and 12086 are required in all project related contracts and subcontracts over \$10,000.
3. (i) Promoting the use of Small, Minority, and Women-owned Businesses (Executive Orders 11625, 12138 and 12432), (ii) Small Businesses Reauthorization & Amendment Act of 1988 (Section 129 of Pub. L. 100-590), (iii) Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Pub. L. 102-389, 42 U.S.C. Sec. 437d), and (iv) Title X of the Clean Air Acts Amendments of 1990 (Pub. L. 101-549, 42 U.S.C. Sec. 7601 note) ("EPA's 10% statute"). Encourages recipients to award construction, supply and professional service contracts to minority and women's business enterprises (MBE/WBE) and small businesses and requires recipients to utilize affirmative steps in procurement.
4. Participation by Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency (EPA) Financial Assistance Agreements (40 C.F.R. Part 33).
5. Debarment and Suspension (Executive Order 12549). Prohibits entering into contracts or sub-contracts with individuals or businesses who are debarred or suspended. Borrowers are required to check the status of all contractors (construction and professional services) and must require contractors to check the status of subcontractors for contracts expected to be equal to or over \$25,000 via this Internet address: <https://beta.SAM.gov>.

6. E-Verify (A.R.S. § 41-4401). A governmental entity shall not award a contract to any contractor or subcontractor that fails to comply with A.R.S. § 23-214(A). Every government entity shall (i) ensure that every government entity contractor and subcontractor complies with the federal immigration laws and regulations that relate to their employees and A.R.S. § 23-214(A); (ii) require that every government entity contract include the required provisions listed under A.R.S. § 41-4401(A); and (iii) establish procedures to conduct random verification of the employment records of government entity contractors and subcontractors.

**Water Infrastructure Finance Authority of Arizona
Clean Water Revolving Fund
Drinking Water Revolving Fund**

Use of American Iron and Steel

Public Law 113-76, enacted January 17, 2014

SEC. 436. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

- (1) applying subsection (a) would be inconsistent with the public interest;
- (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- (3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds (CWSRF and DWSRF) for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of the enactment of this Act.

What is considered American Iron and Steel?

What is an iron or steel product?

For purposes of the CWSRF and DWSRF projects that must comply with the AIS requirement, an iron or steel product is one of the following made primarily of iron or steel that is permanently incorporated into the public water system or treatment works: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

What is a ‘construction material’ for purposes of the AIS requirement?

Construction materials are those articles, materials, or supplies made primarily of iron and steel, that are permanently incorporated into the project, not including mechanical and/or electrical components, equipment and systems. Some of these products may overlap with what is also considered “structural steel”. This includes, but is not limited to, the following products: wire rod, bar, angles, concrete reinforcing bar, wire, wire cloth, wire rope and cables, tubing, framing, joists, trusses, fasteners (i.e., nuts and bolts), welding rods, decking, grating, railings, stairs, access ramps, fire escapes, ladders, wall panels, dome structures, roofing, ductwork, surface drains, cable hanging systems, manhole steps, fencing and fence tubing, guardrails, doors, and stationary screens.

What is NOT considered American Iron and Steel?

What is NOT considered a ‘construction material’ for purposes of the AIS requirement?

Mechanical and electrical components, equipment and systems are NOT considered construction materials. Mechanical equipment is typically that which has motorized parts and/or is powered by a motor. Electrical equipment is typically any machine powered by electricity and includes components that are part of the electrical distribution system. The following examples (including their appurtenances necessary for their intended use and operation) are NOT considered construction materials: pumps, motors, gear reducers, drives (including variable frequency drives (VFDs)), electric/pneumatic/manual accessories used to operate valves (such as electric valve actuators), mixers, gates, motorized screens (such as traveling screens), blowers/aeration equipment, compressors, meters, sensors, controls and switches, supervisory control and data acquisition (SCADA), membrane bioreactor systems, membrane filtration systems, filters, clarifiers and clarifier mechanisms, rakes, grinders, disinfection systems, presses (including belt presses), conveyors, cranes, HVAC (excluding ductwork), water heaters, heat exchangers, generators, cabinetry and housings (such as electrical boxes/enclosures), lighting fixtures, electrical conduit, emergency life systems, metal office furniture, shelving, laboratory equipment, analytical instrumentation, and dewatering equipment.

**Water Infrastructure Finance Authority of Arizona
Clean Water Revolving Fund
Drinking Water Revolving Fund**

Use of American Iron and Steel - De Minimis Waiver

Every water infrastructure project involves the use of thousands of miscellaneous, generally low-cost components that are essential for, but incidental to, the construction and are incorporated into the physical structure of the project. For many of these incidental components, the country of manufacture and the availability of alternatives is not always readily or reasonably identifiable prior to procurement in the normal course of business; for other incidental components, the country of manufacture may be known but the miscellaneous character in conjunction with the low cost, individually and (in total) as typically procured in bulk, mark them as properly incidental.

Examples of incidental components could include small washers, screws, fasteners (i.e., nuts and bolts), miscellaneous wire, corner bead, ancillary tube, etc.

Example of items that are clearly not incidental include significant process fittings (i.e., tees, elbows, flanges, and brackets), distribution system fittings and valves, force main valves, pipes for sewer collection and/or water distribution, treatment and storage tanks, large structural support structures, etc.

EPA has established a public interest waiver for de minimis incidental components. This action permits the use of products when they occur in de minimis incidental components of such projects.

- Funds used for such de minimis incidental components cumulatively may comprise no more than a total of 5% of the total cost of the materials used in and incorporated into a project.
- The cost of an individual item may not exceed 1% of the total cost of the materials used in and incorporated into a project.

Assistance recipients who wish to use this waiver should in consultation with their contractors determine the items to be covered by this waiver and must retain relevant documentation (i.e., invoices) as to those items in their project files.

**Water Infrastructure Finance Authority of Arizona
Clean Water Revolving Fund
Drinking Water Revolving Fund**

Davis-Bacon Contract Conditions (Federal Prevailing Wages)

PLEASE NOTE: Federal Davis-Bacon prevailing wages apply to this project. Payment of the wages, fringe benefits and overtime rates is required.

The “subrecipient” referred to throughout the Davis-Bacon contract conditions is the WIFA Borrower.

“WIFA” is the Water Infrastructure Finance Authority of Arizona, State Capitalization Grant recipient, recipient, or the Authority.

Wage Rate Requirements **(Also referred to as Attachment 6)**

Preamble

With respect to the Clean Water and Drinking Water State Revolving Funds, EPA provides capitalization grants to each State which in turn provides subgrants or loans to eligible entities within the State. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section 3(3)(ii)(A) below and for compliance as described in Section 5.

Requirements for Subrecipients That Are Governmental Entities:

The following terms and conditions specify how recipients will assist EPA in meeting its Davis-Bacon (DB) responsibilities with respect to State recipients and subrecipients that are governmental entities. If a subrecipient has questions regarding when DB applies, obtaining the correct DB wage determinations, DB provisions, or compliance monitoring, it may contact the State recipient. If a State recipient needs guidance, the recipient will contact EPA. The recipient or subrecipient may also obtain additional guidance from DOL's web site at <https://www.dol.gov/whd/govcontracts/dbra.htm>.

1. Applicability of the Davis-Bacon prevailing wage requirements.

Davis-Bacon prevailing wage requirements apply to the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by a Clean Water Revolving Fund and to any construction project carried out in whole or in part by assistance made available by a Drinking Water Revolving Fund. If a subrecipient encounters a unique situation at a site that presents uncertainties regarding DB applicability, the subrecipient must discuss the situation with the State recipient before authorizing work on that site.

2. Obtaining Wage Determinations.

(a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to DB will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.

(i) While the solicitation remains open, the subrecipient shall monitor www.wdol.gov weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipient shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination 10 days or less prior to the closing date, the subrecipient may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the subrecipient.

(ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage

determination contained in the solicitation shall be effective unless the State recipient, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The subrecipient shall monitor www.wdol.gov on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

(b) If the subrecipient carries out activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from www.wdol.gov into the ordering instrument. Typically, the appropriate wage determination would be the one in effect on the date the task order, work assignment or similar instrument is awarded.

(c) Subrecipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.

(d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

3. Contract and Subcontract provisions.

The recipient shall insure that the subrecipient(s) shall insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a treatment work under the CWSRF or a construction project under the DWSRF financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in 29 CFR § 5.1, the following clauses:

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: provided that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

Subrecipients may obtain wage determinations from the U.S. Department of Labor's web site, www.dol.gov.

(ii)(A) The subrecipient(s), on behalf of EPA, shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The State award official shall approve a request for an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the subrecipient(s) agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), documentation of the action taken and the request, including the local wage determination shall be sent by the subrecipient(s) to the State award official. The State award official will transmit the request, to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 and to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification request within 30 days of receipt and so advise the State award official or will notify the State award official within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the subrecipient(s) do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the request and the local wage determination, including the views of

all interested parties and the recommendation of the State award official, to the Administrator for determination. The request shall be sent to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt of the request and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The subrecipient(s), shall upon written request of the EPA Award Official or an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the recipient may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the

contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to the subrecipient, that is, the entity that receives the subgrant or loan from the State capitalization grant recipient. Such documentation shall be available on request of the State recipient or EPA. As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week. The payrolls shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on the weekly payrolls. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at www.dol.gov/whd/forms/wh347instr.htm or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the subrecipient(s) for transmission to the State or EPA if requested by EPA, the State, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the subrecipient(s).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the State, EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency or State may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees -

(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the Apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency

recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA determines may be appropriate, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and subrecipient(s), the State recipient, EPA, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility.

(i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

4. Contract Provision for Contracts in Excess of \$100,000.

(a) Contract Work Hours and Safety Standards Act. The subrecipient shall insert the following clauses set forth in paragraphs (a)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Item 3 above or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a)(1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the clause set forth in paragraph (a)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The subrecipient, upon written request of the EPA Award Official or an authorized representative of the Department of Labor, shall withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a)(1) through (4) of this section.

(b) In addition to the clauses contained in Item 3 above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR 5.1, the subrecipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the subrecipient shall insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the recipient and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

5. Compliance Verification

(a) The subrecipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use WIFA's interview form, Department of Labor's Standard Form 1445, or equivalent documentation to memorialize the interviews. WIFA's interview form and instructions are included with this packet.

(b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicated that there is a risk that the contractor or subcontractor is not complying with DB. Subrecipients shall immediately conduct interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence.

(c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate

wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable, the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.

(d) The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.

(e) Subrecipients must immediately report potential violations of the DB prevailing wage requirements to the EPA DB contact listed below and to the appropriate DOL Wage and Hour District Office listed at www.dol.gov/whd.

Joe Ochab, EPA Region 9, 75 Hawthorne St. (P-22), San Francisco, CA 94105

**Clean Water Revolving Fund
Drinking Water Revolving Fund**

Equal Employment

Inclusion of these seven clauses (excerpt from Executive Order No. 11246, Section 202 as amended by Executive Order 11375 and 12086) is required in all CWRP and DWRP project related contracts and subcontracts over \$10,000:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and all of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order No. 11246 of Sept. 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in

Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of Sept. 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Water Infrastructure Finance Authority of Arizona
Clean Water Revolving Fund
Drinking Water Revolving Fund**

Disadvantaged Business Enterprises (DBE)

Good Faith Efforts

Borrowers and their prime contractors must follow, document, and maintain documentation of their good faith efforts as listed below to ensure that Certified Disadvantaged Business Enterprises* (DBEs) have the opportunity to participate in the project by increasing DBE awareness of procurement efforts and outreach.

1. Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities; including placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitation for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
3. Consider in the contracting process whether firms competing for large contracts could be subcontracted with DBEs. This will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U. S. Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in numbers 1 through 5 above.

Required Contract Conditions

These conditions must be included in all procurement contracts entered into by the Borrower for all DWRF and CWRP projects:

1. The prime contractor must pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the owner.
2. The prime contractor must notify the owner in writing prior to the termination of any Disadvantaged Business Enterprise subcontractor for convenience by the prime contractor.
3. If a Disadvantaged Business Enterprise contractor fails to complete work under the subcontract for any reason, the prime contractor must employ the six good faith efforts if soliciting a replacement contractor.
4. The prime contractor must continue to employ the six good faith efforts even if the prime contractor has achieved its fair share objectives.

5. The prime contractor must provide EPA Form 6100-2 DBE Program Subcontractor Participation Form** to all of its Disadvantaged Business Enterprise subcontractors. Disadvantaged Business Enterprise subcontractors may send completed Form 6100-2 directly to the Region 9 DBE Coordinator listed below:

Joe Ochab, EPA Region 9, 75 Hawthorne St. (P-22), San Francisco, CA 94105

6. The prime contractor must have its Disadvantaged Business Enterprise subcontractors complete EPA Form 6100-3 - DBE Program Subcontractor Performance Form**. The prime contractor must include all completed forms as part of the prime contractor's bid or proposal package to the Borrower.
7. The prime contractor must complete and submit EPA Form 6100-4 DBE Program Subcontractor Utilization Form** as part of the prime contractor's bid or proposal package to the Borrower.
8. A Borrower must ensure that each procurement contract it awards contains the following terms and conditions:

The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

** A DBE is a Disadvantaged, Minority, or Woman Business Enterprise that has been certified by an entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205 or certified by EPA. EPA accepts certifications from entities that meet or exceed EPA certification standards as described in 40 CFR 33.202.*

*** DBE forms can be downloaded from
http://www.epa.gov/osbp/dbe_contract_admin.htm*

ATTACHMENTS

DBE Forms (Currently suspended and are not required to use)

http://www.epa.gov/osbp/dbe_contract_admin.htm

6100-2 - DBE Program Subcontractor Participation Form

6100-3 - DBE Program Subcontractor Performance Form

6100-4 - DBE Program Subcontractor Utilization Form

Davis-Bacon Forms

WH-1321 - Davis-Bacon poster

WH-347 - Payroll and certification form

SF1444 - Wage Determination Request form

Employee Interview form

American Iron and Steel

Sample Step Certification Letter (Processed/Manufactured)

Sample Step Certification Letter (Shipped/Provided)

AIS

1. More than 50% iron or steel
2. Will be permanently incorporated in the project,
3. Must be domestically produced or otherwise be covered by a waiver.

AIS Certification Letter

- Compliance letter asserting that all manufacturing process for the product occurred in the US
- Is obtained from the product manufacturer or your supplier
- The supplier would provide AIS cert letters for products they sell to customers
- The borrower, would obtain a copy of the letters from your engineer or construction contractor

Key Elements of the cert. letter

- Product Description
- Origin of product manufacturer (location)
- To whom was it delivered
- Signature of company representative (Eng or QC manager)
- Reference AIS requirements (Ex ".. We Certify that the above listed products to the subject project are in full compliance with the AIS requirements as mandated in EPA's SRF programs."

SAMPLE Step Certification Letter (Processed/Manufactured)
Use of American Iron and Steel
Water Infrastructure Finance Authority of Arizona
CWSRF and DWSRF Funded Projects

The following information is provided as a sample letter of certification for AIS compliance (From March 20, 2014 EPA Memorandum American Iron and Steel Requirement Guidance).

Documentation must be provided on company letterhead.

Documentation should include the following five items:

- *Project name*
- *Product identification*
- *City and state where process took place*
- *Reference to American Iron and Steel Requirements as mandated by the EPA State Revolving Fund Programs.*
- *Signature*

Date

Company Name

Company Address

City, State Zip

Subject: American Iron and Steel Step Certification for Project (XXXXXX)

I, (company representative), certify that the (melting, bending, coating, galvanizing, cutting, etc.) process for (manufacturing or fabricating) the following products and/or materials shipped or provided for the subject project is in full compliance with the American Iron and Steel requirement as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. XXXX
2. XXXX
3. XXXX

Such process took place at the following location: CITY AND STATE

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

Signed by company representative

SAMPLE Step Certification Letter (Shipped/Provided)
Use of American Iron and Steel
Water Infrastructure Finance Authority of Arizona
CWSRF and DWSRF Funded Projects

The following information is provided as a sample letter of certification for AIS compliance (From March 20, 2014 EPA Memorandum American Iron and Steel Requirement Guidance).

Documentation must be provided on company letterhead.

Documentation should include the following five items:

- *Project name*
- *Product identification*
- *City and state where process took place*
- *Reference to American Iron and Steel Requirements as mandated by the EPA State Revolving Fund Programs.*
- *Signature*

Date

Company Name

Company Address

City, State Zip

Subject: American Iron and Steel Certification for Project (XXXXXX)

I, (company representative), certify that the following products and/or materials shipped/provided to the subject project are in full compliance with the American Iron and Steel requirement as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. XXXX
2. XXXX
3. XXXX

Such process took place at the following location: CITY AND STATE

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

Signed by company representative

WIFA PROJECT WAGE RATE WORKSHEET

The construction category of Heavy (excluding dam construction) should typically be applied to all projects funded by WIFA. If you believe that a different category of wages, such as Building, should be applied to your project or portions of your project, please contact WIFA in advance.

PROJECT NAME:		WAGE DECISION NUMBER AND DATE:	
WIFA PROJECT NUMBER:		PROJECT COUNTY:	
WORK CLASSIFICATION	BASIC HOURLY RATE	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE

ADDITIONAL CLASSIFICATIONS NEEDED (DOL FORM SF-1444)

WORK CLASSIFICATION	BASIC HOURLY RATE	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	DATE OF WIFA SUBMISSION TO DOL	DATE OF DOL APPROVAL

**REQUEST FOR AUTHORIZATION OF
ADDITIONAL CLASSIFICATION AND RATE**

CHECK APPROPRIATE BOX

☐ SERVICE CONTRACT☐ CONSTRUCTION CONTRACTOMB Control Number: 9000-0089
Expiration Date: 10/31/2019

PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average .5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to U.S. General Services Administration, Regulatory Secretariat (MVCB)/MC 9000-0089, Office of Governmentwide Acquisition Policy, 1800 F Street, NW, Washington, DC 20405.

INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPLICATE, TO THE CONTRACTING OFFICER.

1. TO: ADMINISTRATOR, WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, DC 20210		2. FROM: (REPORTING OFFICE)		
3. CONTRACTOR				4. DATE OF REQUEST
5. CONTRACT NUMBER	6. DATE BID OPENED (SEALED BIDDING)	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF APPLICABLE) (SERVICE CONTRACT ONLY)
10. SUBCONTRACTOR (IF ANY)				

11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)

12. LOCATION (CITY, COUNTY AND STATE)

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION:

NUMBER:	DATED:
a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES, AND RATIONALE FOR PROPOSED CLASSIFICATIONS. (Service contracts only) (Use reverse or attach additional sheets, if necessary)	b. WAGE RATE(S)
	c. FRANGE BENEFITS PAYMENTS

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)	15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE	
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE	TITLE	CHECK APPROPRIATE BOX-REFERENCING BLOCK 11: <input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE

TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))

☐ THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

☐ THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.
(Send 3 copies to the Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NUMBER	DATE SUBMITTED
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SF 1444 Instructions

Request for Additional Classification and Wage Rate Form

Attached is a copy of the federal standard form 1444, Request for Authorization of Additional Classification and Wage Rate. This form must be submitted when a wage classification is not listed on the applicable wage decision. The classification and wage rate submitted on the form should bear a reasonable likeness to similar skill classifications listed in the federal wage determination.

The prime contractor is responsible for the completion and submission of this form. The following are the procedures for the completion and submission of the form:

1. Check "Construction Contract" in the upper right-hand corner.
- Box 2. Insert the following information:
Water Infrastructure Finance Authority of Arizona (WIFA)
100 N. 7th Ave., Ste. 100
Phoenix, AZ 85007
- Box 3. Prime contractor's name.
- Box 4. Date the prime contractor submitted the form to WIFA.
- Box 5. Contract number.
- Box 6. Date the bid was opened, if applicable.
- Box 7. Date the contract was awarded.
- Box 8. Actual date the contractor will be starting or started work.
- Box 9. (This box is not applicable.)
- Box 10. List all subcontractors that will utilize the labor classification listed in box 13a. If none, enter "N/A."
- Box 11. Project title and a brief description of the project.
- Box 12. Include both the city and county, as well as Arizona.
- Box 13. Federal "General Decision Number" (e.g. AZ00009) and the date.
- Box 13a. List all classifications not covered by the federal wage determination, which are utilized by either the prime or the subcontractor(s).
- Box 13b. The wage rate should bear a reasonable likeness to the category classification wage rates (equipment operators, laborers, truck drivers, etc.) listed in the federal wage determination.
- Box 13c. The fringe rate should bear a reasonable likeness to the category classification fringe rates (equipment operators, laborers, truck drivers, etc.) listed in the federal wage determination.
- Box 14. If there is a subcontractor listed on line 10, its representative signs on this line.
- Box 15. The prime contractor's representative must sign on this line.
- Box 16. If the contractor has a specific employee who will be performing the labor classification(s) listed in box 13a, or if the employees' have legal representation (union, etc.), they should sign this line and include their title. If no specific employee is identified to perform work under the listed classification(s), then write "unknown" in the box. The "Agree" or "Disagree" boxes are checked by anyone signing in boxes 14, 15, and 16.

The contractor will make a copy of the completed signed form and submit the original to WIFA (not required to be in quadruplicate).

WIFA will complete the section below the heavy line TO BE COMPLETED BY CONTRACTING OFFICER and submit it to DOL and EPA. Typically DOL responds in 30 days. WIFA will send the borrower a copy of the approved wage classification.

EMPLOYEE RIGHTS

UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

Water Infrastructure Finance Authority of Arizona

100 N. 7th Ave. Suite 130
Phoenix, AZ 85007

Tel: (602) 364-1310
Fax: (602) 364-1327

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



WH1321 REV 10/17

DERECHOS DEL EMPLEADO

BAJO LA LEY DAVIS-BACON

PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

SALARIOS PREVALECIENTES

No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

SOBRETIEMPO

Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

CUMPLIMIENTO

Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempo debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempo. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

APRENDICES

Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

PAGO APROPIADO

Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:

Water Infrastructure Finance Authority of Arizona

100 N. 7th Ave. Suite 130
Phoenix, AZ 85007

Tel: (602) 364-1310
Fax: (602) 364-1327

o póngase en contacto con la División de Horas y Salarios del Departamento de Trabajo de los EE.UU.



DIVISIÓN DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd





NAME OF CONTRACTOR <input type="checkbox"/>	OR SUBCONTRACTOR <input type="checkbox"/>	ADDRESS	OMB No.:1235-0008 Expires: 04/30/2021

PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.
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[illegible]

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

Date _____

I, _____ (Name of Signatory Party) _____ (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ (Contractor or Subcontractor) _____ on the
_____ (Building or Work) _____; that during the payroll period commencing on the

_____ day of _____, and ending the _____ day of _____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

_____ (Contractor or Subcontractor) _____ from the full

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

Wage and Hour Division (WHD)

Instructions For Completing Payroll Form, WH-347

OMB Control No. 1235-0008, Expires 04/30/2021.

General: Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

Contractor or Subcontractor: Fill in your firm's name and check appropriate box.

Address: Fill in your firm's address.

Payroll No.: Beginning with the number "1", list the payroll number for the submission.

For Week Ending: List the workweek ending date.

Project and Location: Self-explanatory.

Project or Contract No.: Self-explanatory.

Column 1 - Name and Individual Identifying Number of Worker: Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

Column 2 - No. of Withholding Exemptions: This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.

Column 3 - Work Classifications: List classification descriptive of work actually performed by each laborer or mechanic. Consult classification and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. An individual may be shown as having worked in more than one classification provided an accurate breakdown or hours worked in each classification is maintained and shown on the submitted payroll by use of separate entries.

Column 4 - Hours worked: List the day and date and straight time and overtime hours worked in the applicable boxes. On all contracts subject to the Contract Work Hours Standard Act, enter hours worked in excess of 40 hours a week as "overtime".

Column 5 - Total: Self-explanatory

Column 6 - Rate of Pay (Including Fringe Benefits): In the "straight time" box for each worker, list the actual hourly rate paid for straight time worked, plus cash paid in lieu of fringe benefits paid. When recording the straight time hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/.40" would reflect a \$12.25 base hourly rate plus \$0.40 for fringe benefits. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. When overtime is worked, show the overtime hourly rate paid plus any cash in lieu of fringe benefits paid in the "overtime" box for each worker; otherwise, you may skip this box. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962 if the prime contract exceeds \$100,000. In addition to paying no less than the predetermined rate for the classification which an individual works, the contractor must pay amounts predetermined as fringe benefits in the wage decision made part of the contract to approved fringe benefit plans, funds or programs or shall pay as cash in lieu of fringe benefits. See "FRINGE BENEFITS" below.

Column 7 - Gross Amount Earned: Enter gross amount earned on this project. If part of a worker's weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus "\$163.00/\$420.00" would reflect the earnings of a worker who earned \$163.00 on a Federally assisted construction project during a week in which \$420.00 was earned on all work.

Column 8 - Deductions: Five columns are provided for showing deductions made. If more than five deduction are involved, use the first four columns and show the balance deductions under "Other" column; show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deduction(s) contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 C.F.R., Part 3. If an individual worked on other jobs in addition to this project, show actual deductions from his/her weekly gross wage, and indicate that deductions are based on his gross wages.

Column 9 - Net Wages Paid for Week: Self-explanatory.

Totals - Space has been left at the bottom of the columns so that totals may be shown if the contractor so desires.

Statement Required by Regulations, Parts 3 and 5: While the "statement of compliance" need not be notarized, the statement (on page 2 of the payroll form) is subject to the penalties provided by 18 U.S.C. § 1001, namely, a fine, possible imprisonment of not more than 5 years, or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.

Items 1 and 2: Space has been provided between items (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in this payroll." See "FRINGE BENEFITS" below for instructions concerning filling out paragraph 4 of the statement.

Item 4 FRINGE BENEFITS - Contractors who pay all required fringe benefits: If paying all fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, show the basic cash hourly rate and overtime rate paid to each worker on the face of the payroll and check paragraph 4(a) of the statement on page 2 of the WH-347 payroll form to indicate the payment. Note any exceptions in section 4(c).

Contractors who pay no fringe benefits: If not paying all fringe benefits to approved plans, funds, or programs in amounts of at least those that were determined in the applicable wage decision of the Secretary of Labor, pay any remaining fringe benefit amount to each laborer and mechanic and insert in the "straight time" of the "Rate of Pay" column of the payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the application wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringe benefits, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringe benefits at the straight time rate. In addition, check paragraph 4(b) of the statement on page 2 the payroll form to indicate the payment of fringe benefits in cash directly to the workers. Note any exceptions in section 4(c).

Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. Enter any exceptions to section 4(a) or 4(b) in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid each worker as cash in lieu of fringe benefits and the hourly amount paid to plans, funds, or programs as fringe benefits. The contractor must pay an amount not less than the predetermined rate plus cash in lieu of fringe benefits as shown in section 4(c) to each such individual for all hours worked (unless otherwise provided by applicable wage determination) on the Federal or Federally assisted project. Enter the rate paid and amount of cash paid in lieu of fringe benefits per hour in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Public Burden Statement: We estimate that it will take an average of 55 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Note: In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at www.adobe.com/products/acrobat/readstep2.html.



EMPLOYEE INTERVIEW FOR DAVIS-BACON LABOR STANDARDS

1a. Project Name		2a. Employee Name	
1b. Contract Number	Wage Decision and Date	2b. Employee Phone Number	
1c. Name of Prime Contractor		2c. Employee Home Address and Zip Code	
1d. Name of Employer and Supervisor			
3a. Hourly rate of pay on this project:	4. Do you know that you are working on a federally-funded project and that you are to be paid wages set by DOL (Davis-Bacon wages)?	5. Do you know where the Davis-Bacon Wage Rate Decision for this project is posted?	6. Do you know where the "Employee Rights under the Davis-Bacon Act" poster is posted?
3b. Do you have your most recent paystub? Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
7a. Do you ever work over 8 hours per day? Y <input type="checkbox"/> N <input type="checkbox"/>	7b. Do you ever work over 40 hours per week? Y <input type="checkbox"/> N <input type="checkbox"/>	7c. Are you paid at least time and a half for overtime hours? Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	8. Do you receive Fringe Benefits? Vacation Y <input type="checkbox"/> N <input type="checkbox"/> Medical Y <input type="checkbox"/> N <input type="checkbox"/> Pension Y <input type="checkbox"/> N <input type="checkbox"/> Cash/pay Y <input type="checkbox"/> N <input type="checkbox"/> Other:
9a. Date you began work on this project:	9b. Date of last work day on this project before interview:	9c. How many hours did you work on your last work day before this interview on this job? <input type="text"/>	
10. What deductions other than taxes and social security are made from your pay?		11. Work Classification (list all on this project):	
12. Your duties on this project:		13. Tools and equipment you use on this project:	
THE ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE			
14. Employee Signature		Date	
15. Interviewer Signature		Interviewer Name	Date
INTERVIEWER'S COMMENTS			
16. Work employee was doing/tools employee was using when interviewed:		17. Is employee properly classified and paid? Y <input type="checkbox"/> N <input type="checkbox"/>	18. Are wage rate and poster displayed? Y <input type="checkbox"/> N <input type="checkbox"/>
		19. Wage Rate Decision Number:	20. Wage Rate Decision Date:
FOR USE BY PAYROLL CHECKER			
21. Is above information in agreement with payroll data? Y <input type="checkbox"/> N <input type="checkbox"/>	22. If no, provide explanation and resolution:		
23. Payroll Checker Signature	Payroll Checker Name	Date	



EMPLOYEE INTERVIEW FOR DAVIS-BACON LABOR STANDARDS INSTRUCTIONS

The Davis-Bacon Act requires interviews to determine if the contractor is complying with the Federal Davis-Bacon prevailing wages. Interviewers must use WIFA's interview form, Department of Labor's Standard Form 1445, or equivalent documentation. WIFA's form may be downloaded from WIFA's website: www.azwifa.gov/contract-packet. See Section 5: Compliance Verification of the WIFA Contract Packet for the interview requirements.

Interviews should be conducted in the following manner:

Interviewer: Each borrower is required to conduct interviews. The interviewer must be someone unaffiliated with the contractors and on site regularly (i.e., project manager, or consultant, etc.).

Purpose: The purpose of the interview is to ensure that the work actually being done by construction workers and mechanics is consistent with the corresponding job titles and wages being reported on the certified payrolls. The payroll checker must compare the interviews to the payrolls to identify inconsistencies. Any inconsistencies must be addressed. Keep in mind that both the interview and the information on the interview form are considered confidential. Interviews should be conducted individually and in private. All employees on the work site should be available for an interview if requested by the interviewer; however, the employee's participation is voluntary.

Number of Interviews: A representative sample of interviews is required. The interviewer must interview at least one person from every contractor and subcontractor company on the job site.

Timing: Interviews should be done, at minimum, on two different occasions. One should be within the first two weeks after construction begins and whenever a new subcontractor begins work on the project. The second round should be done closer to substantial completion while workers are still on site. Additional interviews should be done when issues or discrepancies arise and should be targeted at the contractor in question.

Records: Interview forms should be kept by the borrower with the rest of the project records at least three years after the contract is completed. The interview forms have employee information that should be kept confidential from contractors generally, but the project folders must be available for inspection by WIFA, EPA, or Department of Labor upon request.

Item	INTERVIEW
2b. - 2c.	This information is required in case it is necessary to follow up with the employee.
3a.	The interviewer should make it clear to the employee that these items relate only to work on this project, not necessarily to other projects.
3b.	Employees should be encouraged (but not required) to produce pay stubs or pay envelopes which document the wages received.
5. - 6.	If the employee does not know where the wage rate decision and Davis-Bacon poster are posted, the interviewer should inform the person of the location(s) and encourage them to look at the documents.
8.	Many employees will not be familiar with the term "fringe benefits." The interviewer should explain to the employee that fringe can be paid as part of their hourly rate, or can be in the form of benefits such as vacation, medical, etc.
9a. -9c.	The interviewer should make it clear to the employee that these items relate only to work on this project, not necessarily to other projects.

11. - 13.	Be certain that the employee's responses are specific. The employee may not be familiar with the classifications used on the wage determination and thus may use a term which may not be found on the determination. The answers to questions 12 and 13 should elicit enough information to identify the appropriate wage classification. Confirm the presumed wage classification with the employee.
-----------	---

INTERVIEWER'S COMMENTS	
16.	This represents some of the most important information gathered while conducting on-site interviews. Be specific about the duties the employee was observed performing. It may be easiest to make these observations before the interview. Comments in this section should include whether observed duties and tools used were the same as those described by the employee during the interview.
19. - 20.	This refers to the wage decision and date as posted on the job site. This information should be consistent with the contract documents.

FOR USE BY PAYROLL CHECKER	
21. - 22.	<p>The payroll checker can be the same person as the interviewer. If not, it should be someone familiar with the wage rate decision, labor standards provisions and the construction project.</p> <p>This part of the form is completed <i>after</i> receipt of the payroll reports covering the week during which the interview was conducted. It is important that the payroll reports are received in a timely manner so that the payroll checker can compare and verify the interview information and investigate discrepancies. Once the corresponding payroll reports are received, the information on the interview form must be compared to the payroll reports. Specifically, the payroll checker must check that:</p> <ul style="list-style-type: none"> • the payroll report is consistent with the dates and hours the employee worked (Items 9a.-9c.). • the payroll report indicates that the employee's job classification is the same as that indicated by the employee in Items 11 - 13. • the payroll report indicates that the employee received the wages as s/he stated in Item 3a. • the payroll report indicates that the employee received the fringe benefits in the amount and as stated in Item 8. • the wages/fringes paid agree with the wage rate decision in the contract and any additional classification requests approved by DOL (SF1444). <p>Any discrepancies noted between the interview form and payroll reports shall be reported in Item 22. <u>If discrepancies are noted, follow-up actions to resolve the discrepancies must be taken.</u> For example, if the payroll indicates that the employee worked a different number of hours than the employee indicated, the payroll checker must: a) contact the employee and ask for clarification; and b) request the contractor's actual time records. This should be done without revealing the identity of the employee, e.g. by asking for all employee records for one work week.</p>

WIFA Project Construction Sign Guidelines and Specifications

In accordance with Exhibit B Section 4.6 of the WIFA Loan Agreement, WIFA Construction Sign(s), at commencement of construction the Local Borrower will establish (in consultation with WIFA staff) one or more WIFA construction signs at prominent locations at or near the construction site per the following guidance and attached specifications.

1. The general contractor as directed by the Owner shall furnish and install a construction sign(s) for identification of the WIFA project. The sign shall be constructed in accordance with the enclosed drawing/specifications. (If the contractor chooses to erect a separate sign, it may be attached to or adjacent to the project sign, but no other contractor or subcontractor or material signs will be permitted on the WIFA sign.)
2. The cost of preparation and erection of the sign is loan eligible.
3. The construction sign for identification of the WIFA project will be installed prior to commencement of construction at a location which is near the project site and amenable to public viewing.
4. The sign will be adequately supported with regard to site conditions and will be an adequate distance above the prevailing grade to permit public viewing.
5. The sign will be constructed of a 4.0 feet by 8.0 feet exterior type high density overlaid plywood or other sign material of equivalent quality and framed with nominal 2 inch by 4 inch wood of suitable grade.
6. The sign will be painted with black lettering on a matte white background. The WIFA logo will be painted with process blue color and black lettering in strict proportion to the attached detail.
7. Lettering will be of professional quality and in accordance with the attached drawing; all lettering will be in proportion to the sizes shown and centered on the sign.
8. Information specified on the attached detail will be displayed on the sign. A draft sign will be rendered and reviewed by WIFA prior to production.
9. Any additional information displayed on the sign will not detract from or displace the information required in the drawing. Changes must be approved by WIFA.
10. The sign will be maintained in good condition by the contractor until completion of the construction project.
11. The sign will be removed and appropriately disposed of when the construction is complete and accepted by WIFA.

WIFA Project Construction Sign Guidelines and Specifications

City of Bullhead City Sewer Collection Line Project

Financed by the Water Infrastructure Finance Authority of Arizona

Sponsor: City of Bullhead City
Mayor: Norm Hicks, JoAnn Allen,
Council: Olivia Brusso-McCormick, Don Sullivan, DəArchy Down-Vollbracht,
Damian Holthler, and Jacquie Jessie
Engineers: Sunrise Engineering, Inc., Filmore Utah
Contractor: Barnard Construction, Bozeman, Montana



**WATER
INFRASTRUCTURE
FINANCE AUTHORITY
OF ARIZONA**

**State of Arizona
Douglas A. Ducey**

EPA Horizontal Logo

Engineers logo

**U.S. EPA
Andrew Wheeler, Administrator**

Water Infrastructure Finance Authority Requisition 1, Page 1 of 6
Certifications & Signatures
«Borrower Name»
«Loan_Number»

This disbursement request is made in accordance with the Loan Agreement between the Water Infrastructure Finance Authority and the Borrower.

Borrower Certifications

The Borrower hereby states as follows:

1. The amount requested is a proper and accurate cost of the project, which is unpaid or unreimbursed and which has not been the basis of any previous request.
2. The materials, equipment, labor or services represented by this request have been satisfactorily purchased, performed, or received and applied to the project and under the terms and provisions of the contracts related to the project, the Borrower is required to make such payments.
3. As of the date of this request, there does not exist any Event of Default under the Loan Agreement nor any condition which, with the passage of time, would constitute an Event of Default thereunder.
4. The undersigned are duly authorized to submit this disbursement request.

By _____
Title _____
Dated _____

By _____
Title _____
Dated _____

Engineer Certifications

The Engineer certifies that the amounts requested constitute proper costs of the project; that the materials, equipment, labor and services represented by the invoices have been satisfactorily purchased, received, and applied to the project in accordance with contract documents; that payment is in accordance with the contract provisions and that the construction, to date, complies with the contract documents. This certification is not applicable to administrative costs.

Engineer's Seal

By _____
Dated _____

Title _____
Firm _____

Approvals by the Water Infrastructure Finance Authority

By _____
Controller
Dated _____

By _____
Environmental Manager
Dated _____

Water Infrastructure Finance Authority Requisition 1, Page 2 of 6

Davis-Bacon Compliance Certification

«Borrower Name»

«Loan_Number»

Davis-Bacon Compliance Certification

The Loan Agreement Addendum - Wage Rate Requirements for Compliance with P.L. 111-88 requires that all laborers and mechanics employed by contractors and subcontractors on projects funded with this loan shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the subchapter IV of chapter 31 of title 40, United States Code.

The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to the Borrower, that is, the entity that receives a loan from WIFA.

As the Borrower, you are required to receive this documentation and the documentation must be available at the request of WIFA or EPA. It is further required, as to each payroll copy received, the Borrower shall provide written confirmation in a form satisfactory to WIFA indicating whether or not the project is in compliance with the requirements of 29CFR 5.5 (a)(1) based on the most recent payroll copies for the specified week.

Each Disbursement Request submitted requesting loan funds requires certification of compliance with Davis-Bacon including the requirements outlined above. Please sign below certifying that during the period covering this disbursement request, payroll copies have been received and the project is in compliance.

Signature

Date

Water Infrastructure Finance Authority Requisition 1, Page 3 of 6

Cost Incurred Report and Disbursement Request

«Borrower Name»

«Loan Number»

Type of Request:	Select One	Period Covered:		to	
		(mm/dd/yy)			(mm/dd/yy)

*If final, please complete page 6.

Borrower Contact & Address:

«Borrower Name»

«LA3_Mailing_Address_Street»

«LA4_Mailing_Address_City», Arizona

«LA5_Mailing_Address_Zip»

Wire Transfer Instructions (Optional)

Bank Name:	
Bank ABA Number:	
Account Number:	
Reference:	
Attention:	
Phone:	

Contact Name:

Phone #:

Attach statements, invoices, or other proof that the amount requested below is currently due or has been advanced by the Borrower.

Request by Budget Item * (1)	Loan Budget * (2)	Previously Disbursed (3)	This Request (4)	Total to Date (5)=(4)+(3)	Budget (6)=(5)/ (2)	Balance (7)=(2)-(5)
Planning	«DR1_Budget_Planning»			\$0.00	#VALUE!	#VALUE!
Design & Engineering	«DR2_Budget_Design_Eng»			\$0.00	#VALUE!	#VALUE!
Legal/Debt Authorization	«DR3_Budget_Legal_Debt_Auth»			\$0.00	#VALUE!	#VALUE!
Financial Advisor	«DR4_Budget_Financial_Advisor»			\$0.00	#VALUE!	#VALUE!
Land/System Acquisition	«DR5_Budget_Land_Systems_Acq»			\$0.00	#VALUE!	#VALUE!
Equipment/Materials	«DR6_Budget_Equip_Materials»			\$0.00	#VALUE!	#VALUE!
Construction/Installation/ Improvement	«DR7_Budget_Const_Inst_Impr»			\$0.00	#VALUE!	#VALUE!
Inspection & Construction Management	«DR8_Budget_Insp_Const_Mgmt»			\$0.00	#VALUE!	#VALUE!
Project Officer	«DR9_Budget_Project_Officer»			\$0.00	#VALUE!	#VALUE!
Administration	«DR10_Budget_Administration»			\$0.00	#VALUE!	#VALUE!
Staff Training	«DR11_Budget_Staff_Training»			\$0.00	#VALUE!	#VALUE!
Capitalized Interest	«DR12_Budget_Cap_Interest»			\$0.00	#VALUE!	#VALUE!
Other	«DR13_Budget_Other»			\$0.00	#VALUE!	#VALUE!
Refinancing/Rollover Loan	«DR15_Budget_Refinance»			\$0.00	#VALUE!	#VALUE!
Totals	«DR14_Budget_Total_Requested»	\$0.00	\$0.00	\$0.00	#VALUE!	#VALUE!

* If adjustments to the loan budget categories are necessary, please contact your project manager:
Sara Konrad at 602-364-1319, Nicole Petker at 602-364-1321 or Brandon Nguyen at 602-364-1326

«Loan_Number»

C. Within Column C, enter the amount paid or payable for each invoice listed in Column B. The total for Column C must equal the total requested on page 3 of this request.

\$0.00

Should you require additional pages to list invoices please contact your project manager:
Sara Konrad at 602-364-1319, Nicole Petker at 602-364-1321 or Brandon Nguyen at 602-364-1326

Water Infrastructure Finance Authority Requisition 1, Page 5 of 6
Status Report
«Borrower Name»
«Loan_Number»

1. Provide a narrative summary in one or two paragraphs of the work included in this requisition:

--

2. Since the previous requisition, have total project cost estimates changed by 5% or more due to a Change Order or other project event? If Yes, explain below.

Select One

--

3. Are the Borrower, contractors, and subcontractors current on all reporting requirements of the Loan Agreement, Standard Terms and Conditions, Exhibits and Addendum? If No, explain below.

Select One

--

4. Weekly payrolls filed by prime contractor and all sub-contractors are on file with the owner and have been reviewed. If No, explain below.

Select One

--

Date Payroll Last Checked

--

5. Certification has been obtained or is in the process of being obtained for all American Iron and Steel Products. If No, explain below.

Select One

--

6. Report on Disadvantaged Business Enterprises (DBE): list all Minority Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE) included in this requisition.

Contractor/Subcontractor/Vendor Name	MBE or WBE	Code	Amount
		1 = Construction 2 = Supplies 3 = Services 4 = Equipment	

Water Infrastructure Finance Authority Requisition 1, Page 6 of 6
Future Disbursements & Final Deobligation Authorization

«Borrower Name»

«Loan_Number»

Within the table below, estimate future loan disbursements.

Loan Obligation Remaining	#VALUE!
---------------------------	---------

# of Weeks from Requisition Date	Estimated Disbursements
Less than 4 Weeks	
Between 4 and 12 Weeks	
Between 12 and 26 Weeks	
More than 26 Weeks	
Total Estimated Disbursements	\$0.00
Estimated De-Obligation	#VALUE!

Final Deobligation Authorization

Only fill out the portion below if this is your final disbursement request and you are requesting a deobligation of the remaining loan balance.

This confirms that «Borrower Name» is deobligating the amount of _____ on loan number «Loan_Number», and therefore acknowledges that WIFA has completed its obligation to make disbursements on the loan.

Name: _____

Title: _____

Signature: _____

(Authorized Representative)

Dated: _____

If you have any questions regarding this form, please contact your project manager:
Sara Konrad at 602-364-1319, Richard Mendolia at 602-364-1321 or Brandon Nguyen at
602-364-1326

Exhibit B of Loan Documents - Example

Section 3 Estimated Observation and Disbursement Schedule

Observation 1: Upon borrower notification of construction commencement or 10% of construction budget

Additional Observations: at least one site observation within each 12 month period

Final Observation: 85% construction budget disbursement

Withholding Percentage: 10% (released after deliverables received)

Section 5.3 **Inspections; Information.** The Local Borrower shall permit the Authority and any party designated by the Authority

- Examine, visit and inspect the property
- Inspect and make copies of any receipts, payrolls, disbursements, contracts, investments
- Supply such reports and information as the Authority may reasonably require in connection therewith.

Section 4 Requirements Prior To Construction

Section 4.1 **Construction Bids.** The Local Borrower shall submit to the Authority for review and approval prior to execution: Contracts must include Davis Bacon wage determination and WIFA contract packet referenced and attached (such as an exhibit in the contract)

- (a) engineering contracts related to the Project,
- (b) bid documents related to the Project,
- (c) construction contracts related to the Project, and

Section 4.6 **Signs.** The Local Borrower shall erect a construction sign displaying information on the Project and the funding sources before construction commences.

Section 6 Requirements Prior To Final Disbursements

Section 6.2 **Final Approval.** Prior to the release of the withholding, the Local Borrower will submit to the Authority

- (a) as-built drawings by a professional engineer that document all changes from the original plans and specifications
- (b) copies of all testing results performed by or under the supervision of a professional engineer as required by the specifications, and

(c) Arizona Department of Environmental Quality (ADEQ) approval of construction or an engineer's Certificate of Completion certifying that all construction was completed in accordance with the plans and specifications or that any changes made are in conformance with the Arizona Revised Statutes, ADEQ and Environmental Protection Agency rules, permits and guidelines and are documented in the as-built drawings. Based on a review of the information submitted, the Authority reserves the right, prior to the release of the withholding, to request modifications to the Project, the system, or the materials submitted pursuant to this section.